

211 CMR 86.00: REDUCTIONS IN PREMIUM CHARGES FOR PRIVATE PASSENGER MOTOR VEHICLES AND CERTAIN COMMERCIAL MOTOR VEHICLES EQUIPPED WITH AN ANTI-THEFT MECHANISM

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86.01: Authority

211 CMR 86.00 is promulgated in accordance with the authority granted to the Commissioner of Insurance by M.G.L. c. 175, §§ 113B, 113H and M.G.L. c. 175E, § 4(d).

86.02: Definitions

Passive describes an anti-theft device or system which is activated automatically when the operator removes the ignition key to the off position.

Alarm, except where otherwise specified, means horn, bell, siren or other sounding device which is audible at 300 feet.

Tubular describes a type of lock whose key is cylindrically shaped and which has at least 50,000 combinations.

Electronic lock or keyless device is an electronic coding device which must have more than 10,000 combinations. The combination used to unlock the device can be entered through a keyboard or similar data entry device or by means of a remote control device.

High-theft vehicle is any vehicle, classified according to make, model and year, which has both above-average incidence of theft and above-average original sales price.

86.03: Purpose and Scope

The rules, regulations and premium credits established by 211 CMR 86.00 shall apply to all private passenger motor vehicles and to commercial vehicles which are registered with the Massachusetts Registry of Motor Vehicles and which have a gross weight of 8000 pounds or under.

86.04: Reductions in Premium Charges for Private Passenger Vehicles and Certain Commercial Motor Vehicles Equipped with an Anti-Theft Mechanism

All insurance companies insuring motor vehicles which contain anti-theft devices as described herein shall allow the following reductions in premium charges (hereafter "discounts") on Comprehensive coverage with respect to private passenger vehicles and with respect to commercial vehicles registered with the Massachusetts Registry of Motor Vehicles as having a gross weight of 8000 pounds or under:

- (1) One or more Category I devices shall receive a 5% discount.
- (2) One or more Category II devices shall receive a 15% discount.

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- (3) One or more Category III devices shall receive a 20% discount.
- (4) One Category IV device shall receive a 20% discount.
- (5) One Category IV device plus one or more Category I devices shall receive a 25% discount.
- (6) One Category IV device plus one or more Category II devices shall receive a 30% discount.
- (7) One Category IV device plus one or more Category III devices shall receive a 35% discount.

86.05: Types of Anti-Theft Devices Qualifying for Discounts

(1) Application. Anti-theft devices must meet the following criteria in order to qualify for discounts on Comprehensive coverage for policies issued or renewed on or after the effective date of 211 CMR 86.00.

(2) Category I. Devices qualifying in this category receive 5% discounts.

(a) Ignition or Starter Cut-Off Switch in Combination with Flush or Tapered

Door Lock Buttons. This device is an ignition cut-off switch (sometimes called a "kill switch") or a starter cut-off switch which is inserted into the ignition wiring of an auto. The switch is tripped upon leaving the auto and must be switched back in order to start the auto.

The switch must be installed so that it is not visible from the driver's position when the driver is seated. In addition, the vehicle must contain flush or tapered door lock buttons on all doors.

A sticker may identify the presence of this system.

(b) Ignition or Starter cut-off Switches. Such ignition or starter cut-off switches either must be designed so that the wires leading from the switch to the engine compartment are protected by armored tubing or cable, or operate passively.

(c) Non-Passive, Externally-Operated Alarm. This is a non-passive warning alarm which is installed in an auto and can be set to go off if any door, the trunk or the hood is opened without first turning off the alarm by use of a key inserted in a lock mounted on the outside of the auto.

(d) Internally-Operated Alarm Not Meeting Category II or Category III Criteria. This is an alarm system which is activated from within the vehicle but which does not meet all the criteria found in 211 CMR 86.05(3)(a) or 86.05(4)(a); alarm must be triggered by entry of doors, hood or trunk.

(e) Steering Column Armored Collar. This is a device similar to an oversized padlock which clamps on to the steering column over the ignition lock and prevents access to it. This device upon being locked prevents the vehicle from being started, or if the auto is hot-wired and started the device prevents it from being steered. No part of the device, when not in operation, is attached to the steering column. A sticker may identify the presence of this device.

(f) Steering Wheel Removal Lock. This device prevents steering movement of the vehicle from a parked position. This is a high security steering wheel lock assembly manufactured of hardened steel components, which allows removal of the steering wheel from the vehicle.

The assembly is permanently attached to the vehicle's steering column and is located between the column and the steering wheel. Operation of the lock is controlled by a high-security configured key. Unlocking the assembly will permit removal of the steering wheel from the vehicle. A fitted security plate is then inserted onto the lock assembly in place of the steering wheel and the lock's security key is then removed. Re-attachment of the steering wheel onto the lock assembly requires use of the security key to first remove the fitted security plate and then to attach the steering wheel. The security key can be removed from the lock assembly only after either the security plate or steering wheel have been locked into place.

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- (3) Category II. Devices qualifying in this category receive 15% discounts.
 - (a) Internally Operated Alarm Systems Not Meeting Category III Criteria. This is an alarm system which is activated from within the auto but which does not meet all the criteria in 211 CMR 86.05(4)(a). The ignition must be automatically cut off. The alarm must be triggered by entry of doors, hood or trunk.
 - (b) Non-Passive Fuel Cut-Off Device. This is a shut-off device which operates to block the fuel line when a switch is tripped or when the device is engaged by a key. The switch to open or shut off the fuel line must be well hidden from view.

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(c) Non-Passive Steering Wheel Lock. This device prevents the steering wheel from turning. A steel collar and barrel, into which the shackle of a lock fits, are permanently attached to the steering post. The shackle, made of case hardened alloy steel, fits over the steering wheel spoke and into the barrel. A tubular key operates the lock. The collar, barrel and shackle must resist cutting with a file. A sticker may identify the presence of this system.

(d) Armored Cable Hood-Lock and Ignition Cut-Off Switch. This system is one which meets all the criteria of 211 CMR 86.05(4)(f)1. except the first. Armor must be similar to that used in outdoor telephone booths; it must extend through firewall and be secured so as to prevent retraction.

(e) Window Identification System. A window identification system is one in which identification letters and/or numbers are etched by sandblasting, chemical process or other permanent marking into all windows of the vehicle other than the small vent windows.

Provision must be made for immediate telephone identification of the owner of the vehicle any time of day or night.

(f) Emergency Handbrake Lock. This device prevents the release of the emergency handbrake. The lock replaces the handbrake grip, and is permanently attached to the handbrake lever. The lock encasement must be all metal construction. The lock is released by entering a preset digital combination. A sticker may identify the presence of this device.

(g) Car Transmission Lock. The device prevents the vehicle from moving from a parked position by locking the gear shift. A steel-encased lock is permanently attached to the floor of the vehicle by a steel stand. The shackle, made of case hardened alloy steel, fits around the gear shift and is inserted into the lock. The device must have a high security locking system with at least 50,000 combinations. The lock, shackle and stand must resist cutting and filing.

A sticker may identify this system.

(4) Category III. Devices qualifying in this category receive 20% discounts.

(a) Passive Alarm System. This is an alarm system meeting the following criteria:

1. Ignition must be cut off automatically, or starter must be disabled automatically.
 2. Alarm must be triggered by entry of doors, hood or trunk.
 3. Hood must not open unless unlocked from inside the vehicle by a key, or by an electronic keyless device.
 4. Alarm must sound for no more than eight minutes and upon ceasing to sound must reset itself.
 5. Alarm must not emit a pulsating, whooping, or yelping sound which would cause it to be mistaken for the modern police, fire or other emergency vehicle siren.
 6. Alarm must be installed in the engine compartment so as to be inaccessible without opening hood.
 7. The system must be engaged passively by turning the ignition key to the off position.
- To disarm the system a tubular lock or electronic keyless device must be used. The maximum time delay permitted to disarm the system after re-entry is 20 seconds.

(b) Passive Fuel Cut-Off Device. This fuel cut-off device is engaged by turning the ignition key to the off position. The driver must trip a switch to open the fuel line each time the car is started. This device must meet the following criteria:

1. The fuel line must be blocked when the power is off.
2. Switch to open fuel line must be well hidden from view, but accessible to the driver from the driver's seat. In the alternative a tubular key or an electronic keyless device may be used.
3. A parking/service attendant override switch may be provided. It must be well hidden from view. It must not be accessible from the passenger compartment; alternatively, if the override switch is accessible from the passenger compartment, a warning buzzer must sound (or the operator must be distracted in some other way) while the engine is running and the override switch engaged. If the buzzer is disconnected, it must result in disconnection of the entire anti-theft system.
4. Any under the dash wiring installed in connection with this device must blend in color with factory-installed wiring.

(c) Armored Ignition Cut-Off Switch. This device is a kill switch designed to resist tampering. To prevent hot wiring of the auto, a protective cap is attached to the coil or starter solenoid. Such devices must meet the following criteria:

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1. Armored cable must run from separate key to the coil, starter solenoid, or other engine component. Such cable must be similar to that used in outdoor telephone booths, collapse when cut, and preclude quick reconnection of cut wire inside; alternatively, some other effective means of preventing defeat of the system by cutting off the armored cable must be employed.
 2. The device must prevent "hot-wiring" of the car.
 3. A separate lock must be of tubular type and must be installed inside the auto so as to facilitate use by the driver; alternatively, an electronic keyless device may be used in lieu of a lock if it does not take significantly longer to engage the device than it takes to remove a key from a lock, and use of the system is otherwise facilitated.
- (d) Passive Multi-Component Cut-off Switch. This device is a kill switch activated when the ignition key is turned to the off position. It is designed to prevent hot-wiring of the auto. Such device must meet the following criteria:
1. The primary wire to the ignition coil must be disconnected.
 2. The device must disconnect the starter.
 3. One or more wires to the electronic ignition system, or to the points and condenser must be disconnected and grounded to the chassis.
 4. The wiring must blend with factory-installed wiring, and the disconnecting/grounding wires must be routed to random points in the electrical system away from the components they affect.
 5. The control module, if separate from the electronic locking mechanism, must be hidden in the engine compartment or other part of the car so that it is not easily detectable.
 6. In order to start the car, a lock or electronic device must be used to deactivate the system. The lock must be of tubular type and must be installed inside the auto so as to facilitate use by the driver; alternatively, an electronic keyless device may be used in lieu of a lock if it does not take significantly longer to engage the device than it takes to remove a key from a lock, and use of the system is otherwise facilitated.
- (e) Passive Time Delay Ignition System. This is a device which allows the car to start only if the operator waits a prescribed time, which must vary from device to device in a range of three to 20 seconds, before moving the ignition key from "On" to "Start". If the auto does not start, the operators must be required to wait at least 90 seconds before the device can be operated successfully on a subsequent try.
- The device must be resistant to tampering; for example, if it is forcibly removed, reconnection of the electrical system must not be possible with hot wire device. Alternatively, the device must be installed with a hood lock operated by a tubular key.
- (f) Armored Cable or Electrically Operated Hood Lock and Ignition Cut-Off Switch. This is supplemental hood lock operated from within the auto which also cuts off the ignition when engaged. Such devices must meet the following criteria:
1. Armored Cable Hood Lock.
 - a. The hood lock cable must be armored by case-hardened solid steel tubing designed to resist cutting; tubing must extend through firewall and be secured so as to prevent retraction. Otherwise, an alarm meeting the criteria of 211 CMR 86.05(3)(a) must be installed.
 - b. The system must be engaged by a push button or other device which facilitates use. The push-button or other device must be installed within reach of driver when seated.
 - c. No portion of hood-lock cable may be accessible so that it could be grasped from underneath the car; and if accessible through the grill work, armor must extend to locking mechanism.
 2. Electrically Operated Hood Lock
 - a. The hood lock is electrically operated and functions so that it remains locked even if the wiring operating the hood is cut.
 - b. The system must be engaged passively by turning the ignition key to the off position. To disarm the system a separate key or electronic keyless device must be used.
 - c. If the hood lock can be reached through the grill work or from underneath the car, the hood lock must be shielded or armored so that it cannot be manually operated.
- The lock controlling the devices must be of tubular type or operate electronically.

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(g) Passive, Delayed Ignition Cut-off System. This electronic system disables the ignition circuit at a preset engine speed such that the engine cannot be restarted or hot-wired. Such device must meet these criteria:

1. The ignition must cut off automatically as soon as the engine reaches a speed in the range of 1500 to 2000 RPM.

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2. The system must be automatically armed when the ignition key is turned to the off position.
 3. A push button or other type of disarm switch must be well hidden from view. The wiring must blend with factory-installed wiring if placed under the dash. In the alternative, a tubular key or an electronic keyless device may be used.
 4. An alarm or horn shall be actuated at the same time the ignition is disabled.
 5. If a parking/service attendant switch is provided, a buzzer must sound all the time the engine is running. The switch must be hidden in a remote place.
- (h) Passive Ignition Lock Protective System. This is a case-hardened steel, protective cap which fits over the ignition lock so as to prevent extraction of the ignition lock cylinder. The cap fastens to a steel collar which fits around the steering post and over the ignition lock. The ignition key fits through a slot in the cap.
- A sticker may identify the presence of this system.
- (i) High Security Ignition Replacement Lock. This is a high security, case-hardened steering column ignition lock, conforming to NHTSA standard No. 114-1, which cannot be removed using a conventional slide hammer or lock puller equipment.
- (j) Hydraulic Brake Lock. This is a dash-mounted device which, when activated and pressurized with the brake pedal, maintains hydraulic pressure on the brakes at two or more of a vehicles wheels so that the vehicle cannot be driven. The device must have a high security locking system with at least 50,000 combinations, and a lock which cannot be pulled using a conventional slide hammer or lock puller equipment.
- (5) Category IV. Devices qualifying in this category receive 20% discounts.
- Vehicle Recovery System. This is an electronic unit installed in a vehicle that is activated after that vehicle is stolen. When activated, the device provides information to law enforcement officials or another public or private entity regarding the vehicle's location. The system provides for the routine delivery of the information to the appropriate law enforcement organization to assist in the recovery of the vehicle.

86.06: General Rules Applicable to all Anti-Theft Devices for Which Discounts are Granted

- (1) Stickers identifying the particular anti-theft system installed may not be attached to the car unless specifically permitted in 211 CMR 86.06.
- (2) If two or more qualifying devices are attached to a vehicle, the total discount shall be that applicable to the device meeting standards for the highest discount. If one of the qualifying devices is a category IV device, the applicable discount shall be calculated in accordance with 211 CMR 86.04(4), (5), (6) or (7).
- (3) Insurers may require reasonable evidence of installation of any anti-theft device but may not refuse to grant a discount to a qualifying device solely on the grounds that it was installed by the owner of the auto.

86.07: High-Theft Vehicles

- (1) The Commissioner shall annually prescribe a list of "high-theft vehicles" for use in connection with the underwriting guidelines followed by insurers under the plan described in M.G.L. c. 175, § 113H. Such guidelines shall be followed regardless of whether or not the policy is ceded to the plan. The list shall consist of vehicles which meet both of the following two criteria:
 - (a) the vehicle appears on the list of vehicles compiled by the National Highway Traffic Safety Administration and issued by the federal government in 49 CFR Ch. V, s.541 and Appendices as having a high theft rate, or the vehicle is independently determined by the Commissioner to be a "high-theft" vehicle based upon Massachusetts-specific data; and
 - (b) the price-new symbol assigned to the vehicle under the rules of the Massachusetts Private Passenger Automobile Insurance Manual is higher than the price-new symbol corresponding to the average, or expected average, transaction price for new cars for each applicable model year based upon data published by the Bureau of Economic Analysis.

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Vehicles appearing in Appendix A-1, which are exempt from federal etching requirements, shall nevertheless appear on the list of high-theft vehicles.

Any person may request a copy of the current list by contacting the State Rating Bureau of the Division of Insurance, 280 Friend Street, Boston, Massachusetts 02114.

(2) Appropriate Anti-Theft Mechanisms: Owners of high-theft vehicles may for vehicle be subject to denial or cancellation of physical damage coverage, or coverage at the higher rate, authorized by M.G.L. c. 175, § 113H, as amended by St. 1988, c. 273, § 39, but they may obtain coverage at the otherwise applicable rate by demonstrating that their vehicle is installed with a Category III or Category IV anti-theft or vehicle recovery mechanism, as described in 211 CMR 86.05(4) and (5).

(3) Effective Date for Application of 211 CMR 86.07: Upon reasonable notice to the insured, insurers may impose the requirements of 211 CMR 86.07 on policies issued or renewed, or on endorsements to add an additional vehicle or to replace an existing insured vehicle, on or after the effective date of the high-risk rate authorized by M.G.L. c. 175, § 113H(a)(7).

REGULATORY AUTHORITY

211 CMR 86.00: M.G.L. c. 175, §§ 113B, 113H; c. 175E, § 4(d).